

GREENFIELD CITY COUNCIL
200th Regular Meeting Minutes
December 18, 2019
7:00 p.m.
John Zon Community Center
35 Pleasant Street
Council Vote Summary
WEBSITE VERSION

MOTIONS, ORDERS, AND RESOLUTIONS

Order no. FY 20-012

MOTION: On a motion by Councilor Wheeler, second by Councilor Mass, it was by roll call, 12 yes, 0 no, **VOTED:** TO APPROVE ORDER NO. FY20-012 AS AMENDED: THAT IT BE ORDERED THAT THE GREENFIELD CITY COUNCIL AMENDS THE CODE OF THE CITY OF GREENFIELD BY ADDING CHAPTER 302 MINIMUM WAGES FOR EMPLOYEES PERFORMING WORK IN THE CITY OF GREENFIELD MASSACHUSETTS ORDINANCE, WHICH SHALL BECOME EFFECTIVE ON ~~JANUARY~~ JULY 1, 2020, AS ATTACHED HERETO AND FURTHER AMENDS THE TABLE OF CONTENTS AND INDEX OF CONTENTS OF THE CODE AND FURTHER THAT NONSUBSTANTIVE CHANGES TO THE NUMBERING OF THE ORDINANCE BE PERMITTED IN ORDER THAT IT BE IN COMPLIANCE WITH THE NUMBERING FORMAT OF THE CODE OF THE CITY OF GREENFIELD.

ATTACHEMENT

Minimum Wages for Employees Performing Work in the City of Greenfield, Massachusetts

It is hereby declared to be against the public policy for any employer to employ any person in an occupation by the City of Greenfield, Massachusetts as an oppressive and unreasonable wage in any contract, agreement, or understanding in relation to such employment for a wage less than ~~Fifteen Dollars (\$15.00)~~ **the minimum wage of the Commonwealth of Massachusetts** per hour and such lesser wage shall conclusively be presumed to be oppressive and unreasonable, whenever the term "Minimum Wage" is used herein.

Any employee employed by the City of Greenfield, as defined herein, shall be compensated at an hourly rate of not less than \$15.00 the minimum wage of the Commonwealth of Massachusetts an hour.

Definitions: The following terms shall mean:

"City" means the City of Greenfield, Massachusetts

"Employ" means to suffer or permit to work

"Employee" means an individual including but not limited to full-time employer, temporary worker who is employed by the City.

"Minimum Wage" means all wages, commissions, piece rate, and bonuses actually received by the employee and as reportable to the United States Internal Revenue Service

"Wage" means compensation due to the employee by reason of employment, payable in legal tender of the United States or checks and bank convertible into cash on demand at full face value. Employer payments toward a medical benefit plan and/or accounts do not constitute wages for the purposes of this ordinance,

“Exception” means any minor under the age of 18, lawfully employ by the City of Greenfield and/or any of its subdivisions may be compensated at a wage less than ~~\$15.00~~ **the minimum wage of the Commonwealth of Massachusetts** per hour, but in no event for a lesser wage provided as a matter of law by the Commonwealth of Massachusetts as particularly contained in M.G.L. C. 151: Minimum Fair Wages.

“Health Benefits” means that in no event shall the payment by the employer of health benefits for employees affect the hourly said paid as prescribed here.

Nothing herein shall apply to Wages contracted, prior to the effected date of this ordinance, by collective bargaining agreement during the term of the agreement. It shall apply to all agreements thereafter or any amendment to an existing agreement.

This Ordinance shall become effective on ~~January~~ **July** 1, 2020.

If any term, condition or part of this ordinance is deemed invalid, void or voidable it shall not invalidate the remainder of the ordinance.

Any violation of this ordinance shall be enforced by any agency or Court having applicable jurisdiction.

MOTION: On a motion by Councilor Mass, second by Councilor Allis , it was, unanimously,

TABLED: ITEMS II & III OF THE AGENDA (ORDERS FY20-059 & FY20-060).

Order no. FY 20-028

MOTION: On a motion by Councilor Wheeler, second by Councilor Mayo, it was by majority, 8 yes, 4 no, **VOTED:** THAT IT BE ORDERED THAT THE GREENFIELD CITY COUNCIL TAKE FROM THE TABLE ORDER NO. FY 20-009, “THE SUM OF \$460,000 BY APPROPRIATED FOR THE REPLACEMENT OF THE HEATING SYSTEM IN GREEN RIVER SCHOOLS AND TO MEET SAID APPROPRIATION, THE TREASURER WITH THE APPROVAL OF THE MAYOR, IS HEREBY AUTHORIZED TO BORROW SAID SUM OF \$460,000, PURSUANT TO MASSACHUSETTS GENERAL LAWS, CHAPTER 44 OR ANY OTHER ENABLING STATUTE, AND THE MAYOR IS HEREBY AUTHORIZED TO APPLY FOR, CONTRACT FOR, ACCEPT AND EXPEND ANY FEDERAL AND/OR STATE GRANTS OR BOND PREMIUMS AVAILABLE FOR THIS PROJECT TO USED TO REDUCE THE APPROPRIATION, AND FURTHER, THE MAYOR IS AUTHORIZED TO TAKE ANY ACTION NECESSARY TO CARRY OUT THE INTENT AND PURPOSE OF THESE PROJECTS.” WHICH WAS TABLED AT THE JULY 17, 2019 CITY COUNCIL MEETING.

Order no. FY 20-009

MOTION: On a motion by Councilor Mass, second by Councilor Dolan, it was by roll call, 7 yes, 5 no,

TABLED: THE SUM OF \$460,000 BY APPROPRIATED FOR THE REPLACEMENT OF THE HEATING SYSTEM IN GREEN RIVER SCHOOLS AND TO MEET SAID APPROPRIATION, THE TREASURER WITH THE APPROVAL OF THE MAYOR, IS HEREBY AUTHORIZED TO BORROW SAID SUM OF \$460,000, PURSUANT TO MASSACHUSETTS GENERAL LAWS, CHAPTER 44 OR ANY OTHER ENABLING STATUTE, AND THE MAYOR IS HEREBY AUTHORIZED TO APPLY FOR, CONTRACT FOR, ACCEPT AND EXPEND ANY FEDERAL AND/OR STATE GRANTS OR BOND PREMIUMS AVAILABLE FOR THIS PROJECT TO USED TO REDUCE THE APPROPRIATION, AND FURTHER, THE MAYOR IS AUTHORIZED TO TAKE ANY ACTION NECESSARY TO CARRY OUT THE INTENT AND PURPOSE OF THESE PROJECTS.

Order no. FY 20-069

MOTION: On a motion by Councilor Wheeler, second by Councilor Mayo, it was by majority, 8 yes, 4 no, **VOTED:** THAT IT BE ORDERED THAT THE GREENFIELD CITY COUNCIL TAKE FROM THE TABLE ORDER NO. FY20-053, “AMEND THE CODE OF THE CITY OF GREENFIELD AS

WRITTEN IN THE STRIKETHROUGH ATTACHED HERETO CHAPTER 56, ARTICLE VII:STIPEND FOR SCHOOL BOARD MEMBERS AND CITY COUNCILORS, SECTION 18: ANNUAL STIPEND, EFFECTIVE JANUARY 1, ~~2023~~ 2024.

AND FURTHER THAT NONSUBSTANTIVE CHANGES TO THE NUMBERING OF THE ORDINANCE BE PERMITTED IN ORDER THAT IT BE IN COMPLIANCE WITH THE NUMBERING FORMAT OF THE CODE OF THE CITY OF GREENFIELD.” WHICH WAS TABLED AT THE OCTOBER 16, 2019 CITY COUNCIL MEETING.

Order no. FY 20-053

MOTION: On a motion by Councilor Mass, second by Councilor Sund, it was by majority show of hands, 8 yes, 4 no,

REFERRED BACK TO COMMITTEE: THAT THE GREENFIELD CITY COUNCIL AMEND THE CODE OF THE CITY OF GREENFIELD AS WRITTEN IN THE STRIKETHROUGH ATTACHED HERETO CHAPTER 56, ARTICLE VII:STIPEND FOR SCHOOL BOARD MEMBERS AND CITY COUNCILORS, SECTION 18: ANNUAL STIPEND, EFFECTIVE JANUARY 1, ~~2023~~ 2024.

AND FURTHER THAT NONSUBSTANTIVE CHANGES TO THE NUMBERING OF THE ORDINANCE BE PERMITTED IN ORDER THAT IT BE IN COMPLIANCE WITH THE NUMBERING FORMAT OF THE CODE OF THE CITY OF GREENFIELD.

Order no. FY 20-084

MOTION: On a motion by Councilor Wheeler, second by Councilor Mass, it was by majority, 7 yes, 5 no,

VOTED: THAT IT BE ORDERED THAT THE GREENFIELD CITY COUNCIL TAKE FROM THE TABLE ORDER NO. FY 20-048 “ACCEPTS SECTIONS 3 TO 7, INCLUSIVE, OF CHAPTER 44B OF THE GENERAL LAWS, OTHERWISE KNOWN AS THE MASSACHUSETTS COMMUNITY PRESERVATION ACT, BY APPROVING A SURCHARGE ON REAL PROPERTY FOR THE PURPOSES PERMITTED BY SAID ACT, INCLUDING THE ACQUISITION, CREATION AND PRESERVATION OF OPEN SPACE, THE ACQUISITION, PRESERVATION, REHABILITATION AND RESTORATION OF HISTORIC RESOURCES, THE ACQUISITION, CREATION, PRESERVATION, REHABILITATION AND RESTORATION OF LAND FOR RECREATIONAL USE, THE ACQUISITION, CREATION, PRESERVATION AND SUPPORT OF COMMUNITY HOUSING, AND THE REHABILITATION AND RESTORATION OF SUCH OPEN SPACE AND COMMUNITY HOUSING THAT IS ACQUIRED OR CREATED AS PROVIDED UNDER SAID ACT; THAT THE AMOUNT OF SUCH SURCHARGE ON REAL PROPERTY SHALL BE ~~3%~~ 1% OF THE ANNUAL REAL ESTATE TAX LEVY AGAINST REAL PROPERTY COMMENCING IN FISCAL YEAR ~~2020~~ 2022; AND THAT THE CITY HEREBY ACCEPTS THE [FOLLOWING] EXEMPTION[S] FROM SUCH SURCHARGE PERMITTED UNDER SECTION 3(E) OF SAID ACT: PROPERTY OWNED AND OCCUPIED AS A DOMICILE BY ANY PERSON WHO QUALIFIES FOR LOW INCOME HOUSING OR LOW OR MODERATE INCOME SENIOR HOUSING IN THE CITY, AS DEFINED IN SECTION 2 OF SAID ACT; FOR \$100,000 OF THE VALUE OF EACH TAXABLE PARCEL OF RESIDENTIAL REAL PROPERTY; AND FOR \$100,000 OF THE VALUE OF EACH TAXABLE PARCEL OF CLASS THREE, COMMERCIAL PROPERTY, AND CLASS FOUR, INDUSTRIAL PROPERTY AS DEFINED IN SECTION 2A OF SAID CHAPTER 59.” WHICH WAS TABLED AT THE NOVEMBER 20, 2019, CITY COUNCIL MEETING.

Order no. FY 20-048 It was by roll call, 8 yes, 3 no, 1 abstention,

VOTED: THE CITY OF GREENFIELD HEREBY ACCEPTS SECTIONS 3 TO 7, INCLUSIVE, OF CHAPTER 44B OF THE GENERAL LAWS, OTHERWISE KNOWN AS THE MASSACHUSETTS COMMUNITY PRESERVATION ACT, BY APPROVING A SURCHARGE ON REAL PROPERTY FOR THE PURPOSES PERMITTED BY SAID ACT, INCLUDING THE ACQUISITION, CREATION AND PRESERVATION OF OPEN SPACE, THE ACQUISITION, PRESERVATION, REHABILITATION AND RESTORATION OF HISTORIC RESOURCES, THE ACQUISITION, CREATION, PRESERVATION, REHABILITATION AND RESTORATION OF LAND FOR

RECREATIONAL USE, THE ACQUISITION, CREATION, PRESERVATION AND SUPPORT OF COMMUNITY HOUSING, AND THE REHABILITATION AND RESTORATION OF SUCH OPEN SPACE AND COMMUNITY HOUSING THAT IS ACQUIRED OR CREATED AS PROVIDED UNDER SAID ACT; THAT THE AMOUNT OF SUCH SURCHARGE ON REAL PROPERTY SHALL BE ~~3%~~ **1%** OF THE ANNUAL REAL ESTATE TAX LEVY AGAINST REAL PROPERTY COMMENCING IN FISCAL YEAR ~~2020~~ **2022**; AND THAT THE CITY HEREBY ACCEPTS THE [FOLLOWING] EXEMPTION[S] FROM SUCH SURCHARGE PERMITTED UNDER SECTION 3(E) OF SAID ACT: PROPERTY OWNED AND OCCUPIED AS A DOMICILE BY ANY PERSON WHO QUALIFIES FOR LOW INCOME HOUSING OR LOW OR MODERATE INCOME SENIOR HOUSING IN THE CITY, AS DEFINED IN SECTION 2 OF SAID ACT; FOR \$100,000 OF THE VALUE OF EACH TAXABLE PARCEL OF RESIDENTIAL REAL PROPERTY; AND FOR \$100,000 OF THE VALUE OF EACH TAXABLE PARCEL OF CLASS THREE, COMMERCIAL PROPERTY, AND CLASS FOUR, INDUSTRIAL PROPERTY AS DEFINED IN SECTION 2A OF SAID CHAPTER 59.

Order no. FY 20-085

MOTION: On a motion by Councilor Stempel, second by Councilor Mass, it was, unanimously,

VOTED: THAT IT BE ORDERED THAT THE GREENFIELD CITY COUNCIL TAKE FROM THE TABLE ORDER NO. FY 20-066 "TO ADOPT THE RESOLUTION AUTHORIZING THE SUBMISSION OF LOCAL INCENTIVE-ONLY APPLICATION AND SPECIAL TAX ASSESSMENT AGREEMENT FOR 401 LIBERTY **STREET**, LLC. TO THE ECONOMIC ASSISTANCE COORDINATING COUNCIL FOR THEIR REVIEW AND APPROVAL, AND TO WAIVE THE READING OF THE RESOLUTION." WHICH WAS TABLED AT THE NOVEMBER 20, 2019, CITY COUNCIL MEETING.

Order no. FY 20-066 It was unanimously,

VOTED: TO ADOPT THE RESOLUTION AUTHORIZING THE SUBMISSION OF LOCAL INCENTIVE-ONLY APPLICATION AND SPECIAL TAX ASSESSMENT AGREEMENT FOR 401 LIBERTY **STREET**, LLC. TO THE ECONOMIC ASSISTANCE COORDINATING COUNCIL FOR THEIR REVIEW AND APPROVAL, AND TO WAIVE THE READING OF THE RESOLUTION.

MOTION: On a motion by Councilor Mass, second by Councilor Gilmour, it was unanimously,

TABLED: ORDER NOS. FY20-78 THROUGH FY20-083.

Order no. FY 20-071

MOTION: On a motion by Councilor Wheeler, second by Councilor Gilmour, it was by majority, 11 yes, 1 no,

TABLED: ORDER NO. FY20-071.

Order no. FY 20-086

MOTION: On a motion by Councilor Gilmour, second by Councilor Mayo, it was unanimously,

VOTED: THAT IT BE ORDERED THAT THE GREENFIELD CITY CHARTER ARTICLE 7, SECTION 7-8: CITIZEN REFERENDUM PROCEDURES, SUBSECTIONS (a), BE AMENDED BY INSERTING "OF ANY MEASURE" IN SUBSECTION (a) TO READ AS FOLLOWS:

SECTION 7-8: CITIZEN REFERENDUM PROCEDURES

(a) *Petition, Effect on Final Vote* - If, not later than thirty (30) days after the date on which the City Council or the School Committee has voted to approve **of any measure**, a petition which was addressed to the City Council or to the School Committee and signed by a number of voters equal to ten percent (10 %) of the total number of voters voting in the most recent regular biennial City Election, but not less than two and one half percent (2 ½ %) of all registered voters as of the same date, the petition is filed with the City Clerk, protesting against the measure or any part thereof then the effective date of such measure shall be temporarily suspended. Final approval under this section shall not be complete until the time for all remedies pursuant to Section 3-7 has expired. The School Committee or the City Council shall reconsider its vote on the measure or any part thereof at the next regularly scheduled meeting of that body and, if the measure is not rescinded the City Council, shall provide for the submission of the question for a

determination by the voters either at a special election which it may call at its convenience, or within such time as may be requested by the School Committee, or at the next regular City Election; provided, however, that pending such submission and determination, the effect of the measure shall continue to be suspended.

AND THAT THE CITY COUNCIL FURTHER INSTRUCTS THE CITY CLERK TO SUBMIT THE APPROVED VOTE TO THE LEGISLATURE OF THE COMMONWEALTH OF MASSACHUSETTS AND REQUEST SAID LEGISLATURE TO AMEND THE CITY CHARTER.

MOTION: On a motion by Councilor Gilmour, second by Councilor Allis, it by majority show of hands, 8 yes, 5 no,

VOTED: TO RECONSIDER VOTE ON ORDER NO. FY20-048.

MOTION: On a motion by Councilor Mass, second by Councilor Allis, it was by majority show of hands, 7 yes, 6 no,

TABLED: ORDER NO. FY20-048.

UNOFFICIAL